

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-9-FDW**

CURTIS HAGGINS,)	
)	
Plaintiff,)	
)	
vs.)	
)	
FNU TAU TAU, et al.,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on initial review of Plaintiff’s Complaint, filed under 42 U.S.C. § 1983, (Doc. No. 1).

On January 30, 2017, Plaintiff’s *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 which was docketed in case number 3:17-cv-492-FDW. On December 5, 2017, the Court ordered Plaintiff to file an Amended Complaint within 30 days, particularizing his claims, providing factual support, and identifying the individual defendants. (3:17-cv-492, Doc. No. 34). On February 15, 2018, the Court dismissed the case without prejudice for failure to prosecute because Plaintiff had failed to file an Amended Complaint in accordance with its Order. (3:17-cv-492, Doc. No. 35).

Meanwhile, on January 5, 2018, the Complaint was docketed in the instant case. The Complaint does not cite case number 3:17-cv-492 and it is not labeled as an “Amended Complaint.” Therefore, the pleading was docketed as a Complaint in the instant new civil case rather than as the Amended Complaint in case number 3:17-cv-492.


It is apparent that Plaintiff intended the January 5, 2018, pleading to serve as his Amended Complaint in case number 3:17-cv-492. See (Doc. Nos. 3-5) (Plaintiff arguing that he should not have to pay the filing fee because he was already granted *in forma pauperis* status in case number

3:17-cv-492).

IT IS, THEREFORE, ORDERED that:

1. The Clerk is instructed to docket the Complaint, (Doc. No. 1), as the Amended Complaint in case number 3:17-cv-492, and reopen case number 3:17-cv-492.
2. The Clerk is instructed to close the instant case.

Signed: August 14, 2018


Frank D. Whitney
Chief United States District Judge

